



AGENDA
RIO DELL PLANNING COMMISSION
"VIRTUAL" SPECIAL MEETING
TUESDAY, MARCH 9, 2021 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.... *Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and on the City's website at www.cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

**SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT
CORONAVIRUS (COVID-19)**

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council and Planning Commission format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Planning Commission meetings and waives in-person accessibility for Planning Commission meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the City Council and the Rio Dell Planning Commission will only be holding "virtual" meetings.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note which project the comment is directed to and email your comments to the above email address. The City Clerk will read comments out loud, for up to three minutes and provide an immediate response to the comment(s).

Zoom Public Comment:

When the Chair announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting ID **987-154-0944** and listen for the prompts to join the meeting. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, press star (*) 6 to unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2021/0309.01 - Approve Minutes of the February 23, 2021 Regular Meeting
(ACTION)

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F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not allowed under the Ralph M. Brown Act. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.

Due to the COVID-19 situation public comment must be submitted via email at publiccomment@cityofriodell.ca.gov. Your comments will be read out loud, for up to three minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2021/0309.02 - **Sweet Grass Farms – 625 Dinsmore Ranch Road**
Adopt Resolution No. PC-159-2021 Approving the Sweet Grass
Farms Cannabis Activities Conditional Use Permit (CUP) Subject
to Conditions of Approval (File No. 205-071-036 & 038 -Case
No. CUP-CCLUO-21-01) (ACTION)

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H. STAFF COMMUNICATIONS

I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need Special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for
March 23, 2021 at 6:30 p.m.***

**RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 23, 2021**

CALL TO ORDER

Commissioner Angeloff called the regular "virtual" meeting of the Rio Dell Planning Commission to order at 6:35 p.m.

Present were Commissioners Angeloff, Arsenault, Kemp, Millington, and Wilson.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Planning Commission Chair Angeloff asked if any Planning Commissioner or member of the public had any questions or corrections to the minutes as presented. There were no questions or corrections received.

Approve Minutes of the October 27, 2020 Regular Meeting

Motion was made by Kemp/Arsenault to approve the minutes of the October 27, 2020 regular meeting as submitted. Motion carried 5-0.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Cortazar Subdivision - Adopt Resolution No. PC-156-2021 Approving a modification to an approved subdivision of a 150+/- acre parcel into three parcels increasing the size of Parcel 3 from 2.6 acres to 16+/- acres and reducing the size of the remainder from 142+/- acres (APN: 205-031-061; Case No. PMS 16-01

Community Development Director Caldwell provided a staff report and said that the original subdivision was presented to and approved by the Commission on September 22, 2020 and included three (3) parcels of about 2.6 acres each and a remainder of 142+/- acres. The proposed modification includes increasing the size of Parcel 3 from 2.6 acres to 16+/- acres and reducing the size of the remainder parcel from 142+/- acres to 128+/- acres.

He explained that the required findings remain the same as they were with the previous subdivision and the applicant submitted evidence in support of making the

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required findings.

He continued with review of the tentative map as revised with the existing road as the common property line between the parcels.

Commissioner Arsenault said that he was concerned with the statement by the engineer on page 11 of the staff report that stated: "*A 4' wide paved shoulder will be installed on the south side (eastbound lane) of Monument Road...*" and asked for clarification on the location, pointing out that on the south side of Monument Road is a cliff.

Community Development Director Caldwell clarified that it should actually say "the southeast side." He explained that the intersection of Dinsmore Ranch Road and Monument Road is adjacent to a slide area which is scheduled to be repaired this summer. He noted that the proposed work includes improvements at the intersection of Dinsmore Ranch Road and Monument Road with the first 14' of Dinsmore Ranch Road paved. With the 4' wide paved shoulder installed on the southeast side of Monument Road, it will effectively widen the paved roadway section and will be a win-win situation for the property owners and provide emergency vehicles improved access.

He continued with review of the Conditions of Approval and noted that the Rio Dell Fire Protection District worked closely with the applicant and the City in identifying conditions of approval to facilitate the proposed subdivision. He noted that the project has been conditioned to require the applicant to improve the access road by grading, rocking and vegetation reduction to the proposed driveway location. In addition, staff is recommending that the applicant form a Road Maintenance Association and the project was conditioned accordingly. He commented that staff informed the applicants that as a group they would be required to pave Dinsmore Ranch Road once the improvements are completed, from the edge of Monument up to the flat and they are all aware of it and agree.

Commissioner Arsenault asked who would be responsible for repairs to Monument Road in the event of future slides.

Community Development Director Caldwell explained that the repairs for the current slide involves a joint partnership between the City and the County of Humboldt with the use of emergency federal funds.

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Commissioner Kemp referred to the first paragraph of page 12 of the staff report regarding the applicant installing a 6" water main without the required improvement plans and asked if that means that the line was not inspected. He pointed out that if the waterline was not installed properly, it could essentially contaminate the municipal water system.

Community Development Director Caldwell referred to the Conditions of Approval under "12. Waterline: The applicant shall enter into a Waterline Maintenance Agreement should the City not accept the installed waterline." He said that staff reached out to the applicant's engineer and the city engineer to try and confirm that the waterline was installed correctly and if it cannot be confirmed, the property owner will assume the responsibility for the waterline. He said that regardless of who assumes responsibility, that is a shared concern. He noted that staff feels confident the issue can be resolved and will know more after the pressure test and chlorine tests are done. The city engineer and the applicants engineer are reviewing the improvement plans to make sure the fittings were torqued correctly and to make sure the line was properly installed. Unfortunately, it will be the responsibility of the property owner and as the Commission is aware, if there is an issue up there and the property owner fails to correct the issue, the City will be obligated to step in and correct the problem and place a lien on the property.

Commissioner Kemp commented that the best way to check the waterline is to expose it.

Community Director Caldwell agreed and said that the other option would be to install a brand-new line. The way the project is conditioned, this will be resolved either way. Hopefully this is a learning experience for the property owner to not get the cart before the horse.

Commissioner Wilson was wondering if the engineer (Josh) would be able to verify that the work was done in good faith.

Community Development Director Caldwell explained that Josh Wolf is actually part of the GHD engineering team working for the City and feels confident with the information he provides. In the end, once the slide is repaired, which is significant, it will turn out to be a better situation than before the slide.

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Commissioner Angeloff called for public comment. No public comment was received.

Motion was made by Millington/Arsenault to adopt Resolution No. PC-156-2021 approving a modification to an approved subdivision of a 150+/- acre parcel into three parcels increasing the size of Parcel 3 from 2.6 acres to 16+/- acres and reducing the site of the remainder from 142+/- acres subject to the conditions of approval as presented. Motion carried 5-0.

Element 7 Sign Exception - Adopt Resolution No. PC 157-2021 Approving a Conditional Use Permit to allow for more than one (1) on-building sign subject to the Conditions of Approval in Exhibit A (APN: 053-141-052; Case No. CUP 21-01)

Community Development Director Caldwell provided a staff report recommending approval of a Conditional Use Permit (CUP) to allow Element 7 to have three (3) on-building signs totaling approximately 50 square feet. The Planning Commission approved Element 7's Conditional Use Permit for cannabis retail sales in September of 2019 at 307 Wildwood Ave. but due to the costs to renovate the building, they chose to purchase the former Green Bean building at 281 Wildwood Ave. The CUP including the Conditions of Approval were transferred to the current location.

He explained that the current sign regulations limit on-building signs to one (1) but allow an exception to the number of signs with a Conditional Use Permit. He said that the applicant is proposing three (3) signs, two on the front of the building and one on the north side of the building. He noted that although the plans indicate that the signs will be backlit, only one sign on the front will be backlit.

Community Development Director Caldwell commended the applicant for doing a fantastic job on the remodel of the building in regards to the aesthetics on the inside and in regard to the security system. Both the Fire Department and the Police are thoroughly impressed with their efforts on the building remodel itself.

Commissioner Kemp agreed with the applicant's request for three signs and thought they would be ascetically pleasing.

Community Development Director Caldwell pointed out one of the reasons they are requesting this exception is because they are on a corner lot so when you are traveling south on Wildwood Ave. you would not actually see the sign on the front of the building until you are almost exactly in front of the building. Therefore,

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installing a sign on the Ash St. side is a good thing. He noted that the signs are not neon or flashing and are tastefully done.

Commissioner Millington commented that the Element 7 and E-7 signs on the front of the building and the sign on the Ash St. side beg to question what the business is. The signs are very inviting and makes you want to circle around and perhaps see what the business is. She said that from a real estate perspective, the signage is a very good idea.

Commissioner Arsenault asked if the lights will be on 24-7.

Community Development Director Caldwell said that the lights are low-wattage soft lights with no neon or flashing lights. He was uncertain of the timing.

Commissioner Wilson pointed out that the matter was discussed at an earlier meeting and as such, she had no further questions or concerns.

Christopher, project coordinator for Element 7 joined the meeting and thanked staff and the Commissioners for the kind words and said that they were excited to come to Rio Dell and begin operations. He said that they are really proud of the work they have done to the building and its nice when it gets noticed. With regard to the signs, he indicated that they would be on 24-7 due to security so that the camera could detect any potential unwanted activity. They went out of their way to fit into the neighborhood and make the lights non-intrusive. The only light that will be backlit will be the one on the front of the building

Commissioner Angeloff commented on behalf of the Chamber of Commerce and said that they had done a wonderful job on the building and that the workers were extremely polite. He apologized for not getting them Christmas lights like the other businesses and welcomed them to the community.

Commissioner Angeloff called for public comment. There was no further public comment received.

Motion was made by Kemp/Wilson to adopt Resolution No. PC 157-2021 Approving a Conditional Use Permit for Element 7 to allow for more than one (1) on-building sign subject to the Conditions of Approval as presented. Motion carried 5-0.

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Zoning Amendment - Recommend that the City Council approve a Text Amendment to the Street Dedication and Improvements regulations of the Rio Dell Municipal Code (RDMC), Section 17.30.310(6)

Community Development Director Caldwell provided a staff report recommending approval of a text amendment to the Street Dedication and Improvement Regulations which apply to private streets as well as public streets. The current regulations require the irrevocable dedication of land and improvements and construction of street, curb, gutter and sidewalk improvements. The Planning Commission or City Council may waive the dedication and required improvements under the current regulations. In the past, the Public Works Director has waived these requirements and has required that the owners enter into a Deferred Improvement Agreement. The proposed amendment would reflect the process that has historically been the practice. He said that staff is supportive of the amendment as it streamlines the process for the property owner in terms of time and cost.

Commissioner Wilson asked staff to provide an example of where this might apply.

Community Development Director Caldwell referred to an application for the installation of a manufactured home at the end of Bluff Place which is a 12' wide private road. The current regulations require the irrevocable dedication of land and improvements and construction of street, curb, gutter and sidewalk improvements. He said that it doesn't make sense with this particular project since the parcel is located at the end of a private road and there is no curb, gutter or sidewalk along the entire length of Bluff Place. He noted that it should be at the discretion of the Public Works Director to waive any of the requirements and it does not eliminate the requirement for a Deferred Improvement Agreement in the event of future plans to improve the road. If the applicant was not in agreement with the determination made by the Public Works Director, they would have the option to appeal the decision to the City Council.

Commission Millington asked for clarification on the road being a private road.

Community Development Director Caldwell noted that Bluff Place is a private road and that the current regulations requiring improvements apply to both public and private roads but has been overlooked with regard to private roads. He said under the proposed regulations, the Public Works Director would have the option of requiring improvements, deferring improvements or waiving the requirements.

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Commissioner Millington pointed out that it would look ridiculous to have curb, gutter and sidewalks on a parcel when no other parcels on the street have them.

Community Development Director Caldwell said that the only way to set the grade properly would be to survey that entire stretch of Bluff Place to Painter St. and that it doesn't make sense to put that burden on the property owner when there are no other curb, gutter and sidewalks in the neighborhood. He indicated that the intent is to record a document apprising all future property owners that they could possibly be obligated somewhere down the road to make these improvements. He said that the City may need to work on a way to develop an equitable cost-sharing agreement on these types of streets whether it be a road improvement agreement or the extension of a waterline to put in a fire hydrant.

Commissioner Angeloff noted that his only concern was that this would allow a little less checks and balances as to what gets paved and what doesn't or what gets curb, gutter and sidewalks or what doesn't but feels that it would be caught with the current system.

Commissioner Kemp commented that the new owner purchased multiple properties on Bluff Place and has worked tirelessly to improve the neighborhood. He pointed out that a normal city street is 40' wide with a 50' easement and its not possible with many of these narrow streets. He said that there is no way to set the elevation for a sidewalk and until the street is built it doesn't work. He said that this is going to be a good way to help out property owners that are trying to make the neighborhood better. He mentioned the need for a secondary access to Riverside Estates Mobile Home Park for the next development phase, perhaps through Curtis Lane. He said that he supported the text amendment as proposed.

Community Development Director Caldwell pointed out that the applicant has done a good job cleaning up the property and has agreed to increase the front setback area for the manufactured home from 20 feet to close to 40 feet in the event there ever was a typical road built there. He said that the applicant was very understanding and pleasant to work with.

Commissioner Kemp said that he had dealt with these situations in other jurisdictions where he worked and said if the property owner is required to sign a Deferred Improvement Agreement for potential future development, it establishes safeguards for the City.

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Community Development Director explained that the agreement would go with the property and would be recorded to advise future owners of the requirements.

Commissioner Angeloff called for public comment. No public comment was received.

Motion was made by Kemp/Arsenault recommending that the City Council approve a text amendment to the Street Dedication and Improvements regulations of the Rio Dell Municipal Code (RDMC), Section 17.30.310(6). Motion carried 5-0.

STAFF COMMUNICATIONS

Community Development Director Caldwell reported that there may be the need for a special meeting on March 9, 2021 to consider the approval of a cannabis activity permit for Sweet Grass consisting of 30,000 square feet of cannabis cultivation on the Dinsmore Plateau and the associated design review for the drying and processing building and parking area. He said that he should have the final information in the next couple of days and would reach out to the Commission to try and schedule a special meeting.

He also noted that at the March 23, 2021 regular meeting there would be a cannabis activity application from Dinsmore Plateau Farms and a recommendation to impose a hemp moratorium. Mr. Cortazar has an application with the County Ag Department to cultivate 20 acres of industrial hemp on the Dinsmore Plateau. The cannabis farmers up there are concerned about the possibility of cross pollination which has been a hot topic at the County as well.

Commissioner Kemp said that it would be easier on staff if Commissioners took the time to visit the proposed sites prior to considering approval of projects so they have a better understanding and idea of what is being proposed.

Community Development Director Caldwell informed Commissions that anytime they would like to conduct a site visit of the projects to let him know and he would arrange it with the applicants.

Commissioner Arsenault indicated that he would be interested in visiting the Dinsmore Plateau.

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Commissioner Millington commented on how nice the City looked during the holidays and thanked the City, Nick and the Chamber of Commerce for making it possible.

ADJOURNMENT

The meeting adjourned at 7:33 p.m. to the March 23, 2021 regular meeting.

Nick Angeloff, Chair

Attest:


Karen Dunham, City Clerk


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: March 9, 2021

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: March 2, 2021

Subject: Sweet Grass Farms Application
Cannabis Conditional Use Permit
File No. 205-071-036 & -038; Case No's. CUP-CCLUO-21-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
 - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
 - (b) The proposed use is consistent with the general plan and any applicable specific plan; and

(c) The design, location and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 159-2021 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Background

Sweet Grass Farms has made application for a Conditional Use Permit for a (3) three phase buildout of a 32,000 square foot commercial cannabis mixed light facility, with a 4,000 square foot ancillary nursery, and a 30'x50' processing shop on site for processing, packaging, labeling, and distribution purposes.

- The first phase will be (3) three 30 x 100 greenhouses totaling 9,000 square feet of mixed light cultivation to start. Three concrete slabs will be poured.
- The second phase will be an additional (3) three 30 x 100 greenhouses totaling 18,000 square feet of mixed light cultivation. Three concrete slabs will be poured.
- The third phase will be an additional (4) four 30 x 100 greenhouses totaling 30,000 square feet of mixed light cultivation. Four concrete slabs will be poured.
- There will be a 10-foot road in between each greenhouse. There will be 8 feet on the outside of the greenhouses.

The site is located on the Dinsmore Plateau and provided with City water. There is an existing residence on-site and associated out buildings. The applicant is proposing a reverse osmosis treatment system, as well as a two self-caught rainwater catchment tanks off of the 10 greenhouses, totaling 100,000-gallon non-diversionary tank farm off of each greenhouse on the flat. The greenhouses will not be gutter connected. Heating will come from The City of Rio Dell

natural gas. Four flowering runs will be implemented on site for cultivation methodology. The parcel is developed with a single-family residence and outbuildings. The parcel is provided with community water and on-site septic system.

Although there are two Assessor Parcel Number (APN's) they are one legal parcel. The parcel size is 30+/- acres.

Because (1) the proposed operation is accessory to the residential use of the parcel; (2) general agriculture is a principally permitted; and (3) the location of the parcel, staff has determined that Design Review of the greenhouses and accessory building is not warranted.

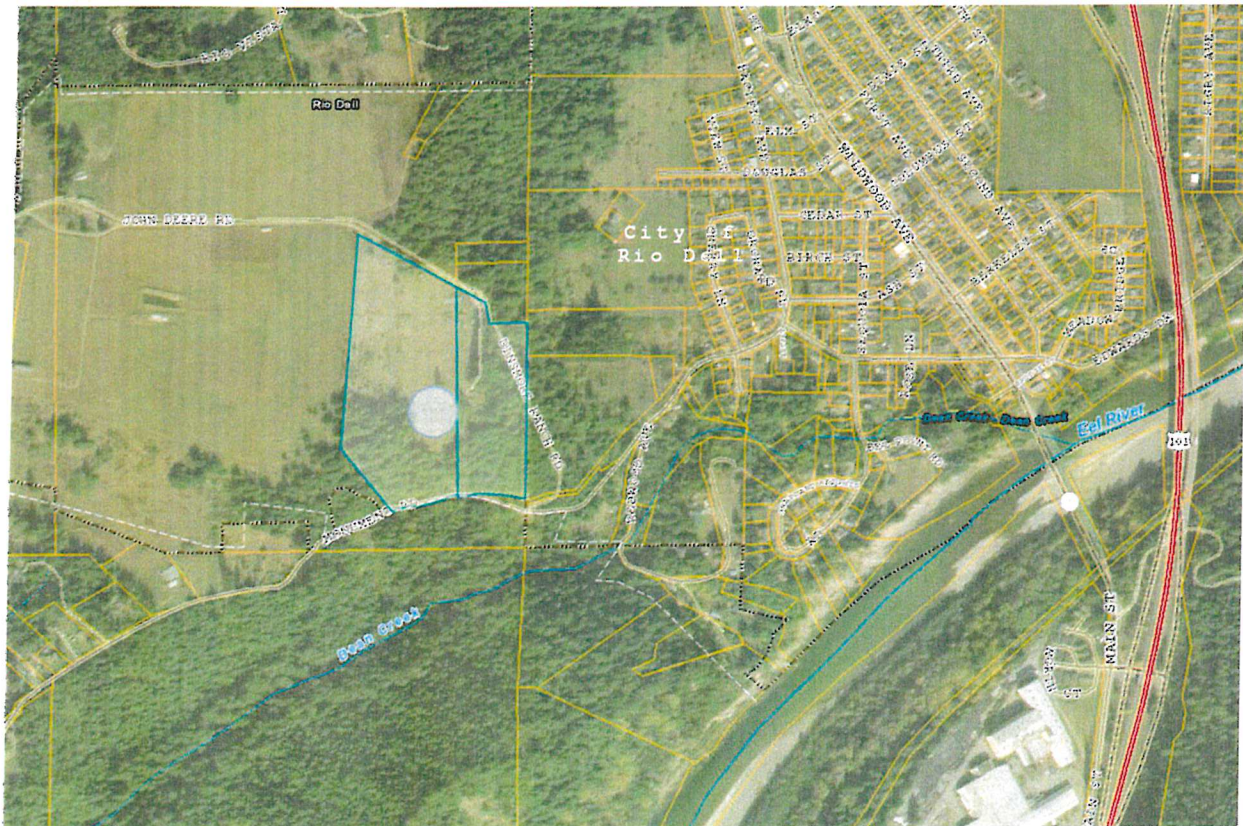


Figure 1

Location Map

*Sweet Grass Farms Cannabis Cultivation and Processing Application
Conditional Use Permit*

File No. 205-071-036 & -038; Case No's. CUP-CCLUO-21-01

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use: The parcel is zone Suburban. The suburban or S zone provides for a mix of small-scale agriculture and low-density residential uses. General agricultural uses, including crop production and animal grazing are principally permitted uses in the Suburban zone.

Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities on the Dinsmore Plateau with a Conditional Use Permit (CUP).

All cannabis applications for the required Conditional Use Permit requires the submittal of a completed application form, a Site Plan and a Plan of Operations which is required to include the following:

- A complete project description including the proposed use(s), hours and days of operation, number of employees, and the duration (temporary, seasonal or permanent) of the operation.
- The number of daily and/or weekly incoming and outgoing deliveries
- A Security Plan that addresses the cultivation, storage, processing of any cannabis, including but not limited to any video monitoring and commercial alarm systems.
- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- A description of the storage or use of any, fertilizers, pesticides, fungicides, rodenticide, or herbicides.
- A description of any discharge or emissions the operation will generate.
- A description of any noise level increase as a result of the operation.
- A description of the operation's use of public facilities such as roads, water or sewer

systems.

- A description of any proposed water source, storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection.

The Plan of Operations includes the required information and is included as **Attachment 1**. As the Commission is aware, the State must approve all cannabis activities and issue a State License prior to the operation commencing.

The proposed cannabis activities are subject to the following Performance Standards identified in Chapter 17.30.195 of the Rio Dell Municipal Code (RDMC).

Performance Standards

Cultivation

Again, the applicant is proposing 32,000 square feet (sf) (canopy area) of mixed-light commercial cannabis cultivation within ten greenhouses. In addition, the applicants are proposing a 4,000 square foot greenhouse for an on-site nursery.

Section 17.30.195(7)(b)

*Greenhouse and Mixed-Light commercial cultivation of cannabis shall be conducted entirely within a **fully enclosed, secure and lockable greenhouse** and subject to the conditions and limitations set forth in this Section and as deemed appropriate by the Planning Commission and/or the City Council.*

The City's limits for greenhouse and mixed-light are based on the State's limits. The applicant will be required to get a "Medium" (22,000 square feet) State license and backfill it with smaller licenses in order to cultivate the proposed 32,000 square feet of canopy.

As indicated above the Performance Standards require that greenhouses must be fully enclosed, secure and lockable. The applicant is proposing commercial, "...securable and lockable..." greenhouses. The applicants are proposing to install six (6) cyclone security fencing around the greenhouse areas to secure the greenhouses.

Performance Standards for all Cultivation Operations:

- (a) No surface water withdrawals shall be allowed as part of any cultivation operations.

No surface water withdrawals are proposed.

- (b) No Timberland Conversion Permits or Exemptions as approved by the California Department of Forestry and Fire Protection (CAL-FIRE) shall be used to facilitate the cultivation of cannabis.

A Timberland Conversion Permit has not been issued for the property.

- (c) The area of greenhouse, mixed-light cannabis cultivation shall be located as shown on the application site plan, set back at least 30 feet from any property line in the Natural Resource (NR) and Rural (R) zones and 300 feet from any residences on an adjacent separately owned parcel and 1000 feet from any school. The setback required from associated property lines or residence(s) on adjacent privately-owned property may be waived or reduced with the express written consent of the owner(s) of the subject property.

The proposed greenhouses and accessory processing building complies with the required setbacks.

- (d) Maintain enrollment in Tier 1, 2 or 3, certification with the North Coast Regional Water Quality Control Board Order No. 2015-0023, if applicable, or any substantially equivalent rule that may be subsequently adopted by the City of Rio Dell or other responsible agency.
- (e) For cultivation areas for which no enrollment pursuant to NCRWQB Order No. 2015-0023, is required by that Order, compliance with the standard conditions applicable to all Tier 1 dischargers.

The project has been conditioned to require compliance with the North Coast Regional Water Quality Control Board Order No. 2015-0023 and/or Order No. 2015-0023. **Please see Exhibit A.**

- (f) The storage or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide shall comply with the manufacture's recommendations and regulations administered by the State Department of Pesticide Regulation. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA).

The applicant does not intend on using any pesticides or fungicides that are required to approved by the Department of Environmental Health. Below is the list of pesticides the applicant will be using.

Product Name and Active Ingredient(s) of All Pesticides to Be Applied to Cannabis at Any Time

<i>Product Name</i>	<i>Active Ingredient(s)</i>
Lost Coast Plant Therapy	Soybean oil, isopropyl alcohol, citric acid, peppermint oil
Dr. Zymes	Citric acid derived from fermentation
Zerotol 2.0	Hydrogen dioxide, peroxyacetic acid
Neem oil	Neem oil

However, should any pesticides, fungicides be used in the future or hazardous materials generated that require an approved CUPA permit, the project has been conditioned to require a copy of the approved CUPA permit or written verification from the Humboldt County Environmental Health Division. In addition, should the applicant apply any pesticides they are required to obtain an Operators Identification Number (OIN). The OIN is a unique number used by the Department of Pesticide regulation to track pesticide use throughout the state. Each site where a pesticide will be applied is given a unique site identification number. The project has been conditioned accordingly. **Please see Exhibit A.**

- (g) Trucked water shall not be allowed as the primary water source. Water is to be sourced locally (on-site), except for emergencies. For purposes of this provision, “emergency” is defined as: “a sudden, unexpected occurrence demanding immediate action.”

Water is provided by the City. In addition, the applicant is proposing 100,000 gallons of rain catchment water. The project has been conditioned to utilize the stored water during the months of July, August, September and October. **Please see Exhibit A.** Furthermore, the project has been conditioned to require the applicant to financially contribute to the expansion of the Dinsmore water tank. The fair share contribution is based on estimated water use and the current cost of access to the water system, which is \$0.055 a gallon. The applicant estimates an annual water demand of 408,000 gallons. As such, the cost for access to the City’s water system is \$22, 440.00 (408,000 x \$0.05). The project has been conditioned accordingly. **Please see Exhibit A.**

- (h) Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties from cultivation and processing facilities.

According to the applicant’s Plan of Operation “Odor mitigation will be conducted through proper carbon filters within the greenhouse structures for the plant’s terpenes and terpenoids produced by the cannabis plant. Masking and neutralizing agents, air treatment systems, and oxidation systems

are being pursued to help continue the odor mitigation from spreading into the residential areas. A perimeter treatment includes an oil-based neutralizer that is used with water based evaporative systems or water based high pressure fog systems. Exhaust fans will also be designed within the bay of the greenhouses."

- (i) A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.

According to the applicant's Plan of Operation "Cannabis waste generated on the premises will be managed by self-hauling to a fully permitted and manned, (a) solid waste landfill or transformation facility, or (b) composting facility or manned composting operation. A 10 x 10 compost is on site."

- (j) Those cultivators using artificial lighting for mixed-light cultivation shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. Should the City receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.

According to the Plan of Operation "The mixed light cultivation will be complying with the International Dark Sky Association Standards and implementing that all light will be shielded so no light escapes between sunset and sunrise. Especially due to a residential area, mitigation efforts will be highly and strictly implemented for the tarps and lights to be turned at the appropriate time." The project has been conditioned to require compliance. **Please see Exhibit A**

- (k) Generators are only allowed as an emergency back-up power source. The noise produced by a generator used for cannabis cultivation shall not be audible from neighboring residences. The decibel level for generators at the property line shall be no more than 60 decibels.

The applicant is not proposing the use of a generator. However, should a generator be needed it must comply with Section 8306 of the California Code of Regulations. The project has been conditioned accordingly. **Please see Exhibit A.**

- (l) Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.

The applicant is not proposing the on-site storage of fuels. However, the project has been conditioned to require compliance with the above regulation. **Please see Exhibit A.**

- (m) Electricity for Indoor and Mixed Light cultivation activities shall be provided by any combination of the following:

- (i) On-grid power with 42 percent renewable source.

- (ii) Onsite zero net energy renewable source providing 42 percent of power.

- (iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.

- (iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

According to the Plan of Operation, the applicant is proposing to enroll in the Redwood Coast Energy Authority (RCEA) Core Repower program, which utilizes 100% renewable energy. In addition, the applicant is also proposing to develop a solar panel array to provide the all the energy necessary by the year 2030.

- (n) Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.

The project has been conditioned to require compliance with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities. **Please see Exhibit A.**

- (o) Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.

All recommended conditions of approval have been included in **Exhibit A**.

Suburban Designation Development Standards

Table 17.20.090 of the RDMC identifies the setback, lot coverage/open space and building height requirements.

The Suburban designation requires a twenty (20) foot setback from all property lines. Once again, the two Assessor Parcel Numbers are actually one legal parcel. The project as proposed complies with the required setbacks.

The maximum allowable ground coverage is 25%. The parcel is about 30 acres or 1,306,800 square feet. The proposed greenhouses, existing residence and accessory total approximately 35,000 square feet. The allowable ground coverage is about 326,000 square feet. The project complies with the required maximum allowable ground coverage is 25%.

The maximum building height allowed in the Suburban designation is two (2) stories or 55 feet. The proposed greenhouses will be approximately 15 feet in height. The proposed 30' x 50' building will be about twenty (20) feet in height. The project as proposed complies with the maximum building height allowed in the Suburban designation

Other Zoning Requirements

Other City Zoning Regulations applicable to the project include Parking Requirements found in Section 17.30.220 and Environmentally Sensitive Habitat Area (ESHA) regulations, Section 17.30.100 of the Rio Dell Municipal Code (RDMC).

Parking: Again, Section 17.30.220 of the RDMC identifies Parking and Loading requirements, including the required number of spaces, landscaping, lighting, surface requirements, striping, wheel stops, number of spaces, handicap spaces, bicycle and motorcycle parking and loading spaces.

As the Commission is aware, the City's parking requirements do not identify parking demands for greenhouses. The Commission has determined parking demands based on anticipated use, including the number of employees. Warehouses are identified and require one space for

every 500 square feet. Parking exceptions are allowed pursuant to Section 17.30.220(5) of the RDMC.

The applicant anticipates up to three (3) full time employees and up to three (3) part-time employees. This would require six (6) parking spaces. Staff recommends three (3) additional spaces for the owner/operator and visitors. Therefore, a total of nine (9) regular parking spaces are required. In addition, the Rio Dell Municipal Code (RDMC) requires one disabled or accessible space per 25 parking spaces. Regular perpendicular spaces are required to be 19' x 8.5', and an aisle dimension of 25'. The handicap space must be 19' x 14', permanently signed and the space painted with the international symbol of accessibility. The applicant shall submit detailed Plans identifying the required parking area. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Section 17.30.220(7)(a) of the RDMC requires all parking spaces, access drives and maneuvering areas to be improved with and permanently maintained with an all-weather durable asphalt, concrete or comparable surface as required by the Director of Public Works. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Section 17.30.220(19) of the RDMC identifies bicycle parking requirements. Based on the number of required parking spaces, three (3) bicycle parking spaces are required. Each bicycle parking or storage space shall be no less than 6 feet long by 2 feet wide, plus additional space as may be needed for access, and shall have a rack or shelter capable of supporting and securing bicycles of various types and sizes in an upright position. Each space shall be conveniently located and interfere with pedestrian walkways. The applicant shall submit detailed Plans identifying the required bicycle parking spaces. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Section 17.30.220(9) of the RDMC requires concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The curbing is allowed to have breaks in it to allow stormwater to pass. The applicant shall construct detention/retention facilities for the stormwater runoff from the parking area and processing building. The applicant shall submit detailed Plans identifying the required curbing and detention facilities: **Please refer to Exhibit A.**

Section 17.30.220(11)(c) of the RDMC requires a six (6) foot landscaping strip between the parking area and proposed processing building. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.220(12)(a)(iii) of the RDMC encourages on-site stormwater detention/retention, pollutant cleansing and groundwater recharge. In addition, the City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City's policy that there is no net increase in stormwater runoff during a 25-year storm event as a result of a project. As indicated above staff is recommending that the applicant construct detention/retention facilities for the stormwater runoff from the parking area and processing building. Again, the applicant shall submit detailed Plans identifying the required curbing and detention facilities. **Please refer to Exhibit A.**

Section 17.30.220(13)(a) of the RDMC requires that parking areas be screened from streets and adjoining properties and contains the following perimeter parking landscaping requirements:

(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.

(iii) Screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the review authority to meet the intent of this requirement.

(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Subsection (a)(v). Trees types shall have root systems that will not extend beyond the planting area.

(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).

The project site does not front on a public street and given the distance from Dinsmore Ranch Road to the parking area, staff recommends that the above provision not be required.

Section 17.30.220(14) of the RDMC requires that 10% of the gross area of the parking lot be landscaped. The parking area will be approximately 3,600 square feet. Accordingly, about 360 square feet of landscaping within or adjacent to the parking area is required. The submitted landscaping plan lacks the detail to determine how much landscaping is proposed. As such,

staff is recommending that the applicant submit detailed Plans identifying the required landscaping. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

In addition, pursuant to Section 17.30.220(14)(a) of the RDMC, trees that reach a minimum height of twenty (20) feet are required within or adjacent to the parking lot at a minimum ration of one (1) tree for every five (5) parking spaces. Again, it's difficult to tell exactly how many are proposed and what their mature height will be. As such, staff has conditioned the project to require the Landscaping Plan to clearly identify requisite trees. **Please see Exhibit A.**

Pursuant to Section 17.30.220(15) of the RDMC, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoining properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The project is conditioned so that each light fixture be LED and be directed downward. **Please see Exhibit A.**

Section 17.30.220(21) of the RDMC identifies the number of required loading spaces. Industrial and manufacturing uses are required to provide 1 loading space for 5,000 to 40,000 square feet of gross floor area. Loading spaces must be at least 11' x 35' and have at least 14 feet of vertical clearance. staff is recommending that the applicant submit detailed Plans identifying the required loading space. **Please see Exhibit A.**

Loading areas are to be screened with a combination of dense landscaping and solid masonry walls with a minimum height of six feet. There is an exception to the location and screening requirements where the Community Development Director in consultation with the Director of Public Works may modify these requirements. Because of the size and isolated location of the parcel, staff is not recommending any additional screening for the loading area.

Environmentally Sensitive Habitat Areas (ESHA): Section 17.30.100 of the Rio Dell Municipal Code (RDMC) identifies the City's ESHA regulations. The purpose of these regulations is to ensure that environmentally sensitive habitat areas are protected for both the wildlife inhabiting them as well as the enjoyment of present and future residents of the City. Based on a site inspection, the County's GIS and comments or lack of comments from referral agencies including the California Department of Fish and Wildlife (CDFW) and the North Coast Regional Water Quality Control Board (NCRWQCB), there is no evidence that the project will impact any environmentally sensitive habitat areas, including wetlands, riparian and migration corridors.

Based on the submitted information, including the Plan of Operation, and the recommended conditions of approval, staff believes the proposed uses are consistent with the City Zoning Regulations.

2. General Plan Consistency

(b) The proposed use is consistent with the general plan and any applicable specific plan;

The General Plan designation is also Suburban. The Suburban designation allows agricultural and low-density residential uses. General agricultural uses, including crop production and animal grazing are principally permitted uses in the Suburban designation.

There are a number of General Plan goals and policies related to the proposed project. The following information identifies the evidence which supports the finding that the proposed project is in conformance with all applicable policies of the General Plan.

GP Policy Natural Environment G2.1-3; "Preserve drainage channels, habitat and open space."

There are no drainage channels or habitat that would be impacted from the proposed project. The project will result in a reduction of open space from the development and construction of the greenhouses and processing building. The parcel is about 30 acres or 1,306,800 square feet. The proposed greenhouses, existing residence and accessory total approximately 35,000 square feet. Roughly 97% of the parcel will remain open space. Again, General agricultural uses, including crop production are considered principally permitted uses on lands designated Suburban. Staff believes the project is consistent with this policy.

GP Goal Natural Environment G2.1-5; "Regulate clearing and development of steep slopes, river, stream and drainage channels."

The proposed project will not require the clearing and development of steep slopes, rivers or streams. Staff believes the project is consistent with this policy.

GP Goal Natural Environment G2.1-9; "Minimize loss of life and property from natural and man-made hazards."

The parcel is not located within the 100-year flood zone according to FEMA's Flood Insurance Rate Maps (FIRM). In addition, the parcel is not located within a tsunami zone or Dam Failure Inundation area. The proposed development is located in an area that is basically flat and not near any steep slopes. The area is within a mapped low to moderate instability area according

to the County's GIS. All construction must comply with the 2020 California Building Codes. Staff believes the project is consistent with this policy.

GP Policy Soils & Geologic Resources P2.1.1-4; "Require geo-technical reports to ensure that slope and stability measures are incorporated into project design."

Based on the location of the proposed development and the low to moderate geologic instability rating, staff is not recommending a geo-technical report.

GP Policy Water Resources P2.1.2-3; Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.

In addition to the above General Plan Policy, the City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City's policy that there is no net increase in stormwater runoff during a 25-year storm event as a result of a project.

The project has been conditioned to require the applicant to construct detention/retention facilities for the stormwater runoff from the parking area and processing building. The applicant shall submit detailed Plans identifying the required curbing and detention facilities to accommodate a during a 25-year storm event. **Please refer to Exhibit A.**

GP Policy Public Services P2.2.3-2; "Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate."

The project was referred to the Rio Dell Volunteer Fire Department for comments and recommendations. The District made recommendations regarding emergency water storage, hydrants, access, including the need for a Knox Box at the gate, turn-around area and address signage. Below are their recommended conditions of approval.

1. A dedicated 5,000 emergency water tank with wharf hydrant no closer than 50 feet and no further than 100 feet from the building. A wooden or metal sign with a minimum three (3) inch letter height, 3/8-inch stroke, contrasting with the background color of the sign, with the wording "FIRE WATER" mounted on a wooden or metal post.
2. The hydrant head shall be brass or other corrosion resistant material with 2-1/2-inch National Hose male thread with a cap for pressure and gravity flow systems, and 4-1/2-inch National Hose male thread for draft systems. Such hydrants shall be wet or dry

barrel as required by the delivery system. Crash protection meeting the requirements of the Uniform Mechanical Code shall be installed as required by the RDFPD.

3. All pipes supplying water to hydrants must be at least 3 inches in diameter; however, a pipe having a diameter of less than 3 inches may be used provided it can demonstrate the capability of supplying a minimum 200 gallon per minute (gpm) flow from the hydrant connection.
4. A Knox Box at the gate.
5. A turn-around area at the building location.
6. Address signage. The size of letters numbers and symbols for addresses shall be a minimum 4-inch letter height, ½-inch stroke, reflectorized, and contrasting with the background color of the sign. Addresses shall use Arabic numbers and alphabetical letters. Wooden address signs meeting the standards for letter height, stroke, and contrast shall be permitted

The project has been conditioned accordingly. **Please refer to Exhibit A.**

GP Policy Public Services P2.2.3-4; “Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development.”

As discussed earlier, the project has been conditioned to require the applicant to financially contribute to their fair share of the expansion of the Dinsmore water tank. The fair share contribution is based on estimated water use and the current cost of access to the water system, which is \$0.055 a gallon. The applicant estimates an annual water demand of 408,000 gallons. As such, the cost for access to the City’s water system is \$22, 440.00 (408,000 x \$0.05). The project has been conditioned accordingly. **Please see Exhibit A.**

GP Policy Conservation and Open Space P5.4-4; “Identify and preserve remaining prehistoric camps, villages, and use sites. Identify areas that may be used by the local natives for resource procurement or religious purposes.”

AB 52, which went into effect after July 1, 2015, established a consultation process with all California Native American Tribes on the Native American Heritage Commission (NAHC) list, which includes both federally recognized groups and non-federally recognized groups. AB 52 also established a new class of resources, tribal cultural resources. Tribal cultural resources must be considered when determining project impacts and possible mitigation. Tribal notice and consultation must occur. A Tribal Cultural Resource is a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either listed on or

eligible for the CRHR or a local register. A lead agency may, at its discretion, decide to treat a resource as a Tribal Cultural Resource.

Native American consultation requirements of SB 18 (Chapter 905, Statutes of 2004) applies to all general or specific plan processes proposed on or after March 1, 2005.

The project was referred to the local native American tribes, including the Bear River and Wiyot's. A Cultural Resource Study was recommended. Archaeological Research and Supply Company accompanied by the Bear River Tribal Historic Preservation Officer (THPO) conducted on-site investigations and prepared a Cultural Resource Study regarding the parcel and the immediate surrounding area.

There were zero (0) historic and zero (0) prehistoric resources located as a result of the survey, and zero (0) resources have been previously recorded on the property. However, it was recommended that inadvertent discovery protocol be included as a condition of approval. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

The proposed use is also consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas."

There are no goals or policies which would preclude the proposed use in the Suburban designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

3. Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

Based on the location of the parcel, surrounding land uses and homes and recommended conditions of approval, including the City's Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

4. Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

The site is fairly flat, the land use designation allows general agriculture activities, very little increase in traffic is expected as the farm will be operated by three (3) full time employees and utilities are in place, staff believes the site is suitable for the intended use.

5. Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

The new construction is subject to the California Building Codes, including the California Fire Code, which includes standards to ensure that the buildings are constructed to minimum safety standards. Again, based on information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

6. California Environmental Quality Act

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. Based on the proposed agricultural project, information submitted, including the Cultural Resource Study, the physical characteristics of the property, the absence of any environmentally sensitive habitat, conditions of approval and comments or lack of from referral agencies, including the California Department of Fish and Wildlife (CDFW) and the North Coast Regional Water Quality Control Board (NCRWQCB), staff believes that the project can be found exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

Attachments:

Attachment 1: Plan of Operations and Site Plan.

Attachment 2: Copy of Referral.

Attachment 3: Exhibit A, Conditions of Approval

Attachment 4: Resolution No. PC 159-2021.

Sweet Grass, Inc
Cultivation and Operations Plan

624 Monument Road, Rio Dell CA; 205-071-036-000
908 Monument Road , Rio Dell CA; APN: 205-071-038-000

30,000 Square feet of Mixed Light Cultivation
4,000 Square foot ancillary commercial nursery

Project Description

This project is for a (3) three phase buildout of a 30,000 square foot commercial cannabis mixed light facility, with a 4,000 square foot ancillary nursery, and a 30'x50' processing shop on site for processing, packaging, labeling, and distribution purposes. The site is irrigated with City of Rio Dell water with a reverse osmosis treatment system, as well as a two self-caught rainwater catchment tanks off of the 10 greenhouses, totaling 100,000-gallon non-diversionary tank farm off of each greenhouse on the flat. The greenhouses will not be gutter connected. Heating will come from The City of Rio Dell natural gas. Four flowering runs will be implemented on site for cultivation methodology.

Odor mitigation will be conducted through proper carbon filters within the greenhouse structures for the plant's terpenes and terpenoids produced by the cannabis plant. Masking and neutralizing agents, air treatment systems, and oxidation systems are being pursued to help continue the odor mitigation from spreading into the residential areas. A perimeter treatment includes an oil-based neutralizer that is used with water based evaporative systems or water based high pressure fog systems. Exhaust fans will also be designed within the bay of the greenhouses.

The site presents no issues of any type as to setbacks, slopes, runoff, erosion, water quality, or other county ordinance or other regulatory agency issues.

3 seasonal workers which combined with 3 employees would result in a maximum of people on site for the special permit during peak harvest activity. There is an onsite ADA portal bathroom with handwashing station that has weekly cleanings for sanitary and waste on site for employees. Hours would be 6 am – 9 pm , but activity could work on a continuous 24 hour period based on time of season.

Daily traffic would be kept to the three seasonal employees and three part time employees, with two deliveries per week depending on time of year for amendment's and nutrients. This facility will not be open to the public, and if any commercial nursery sales commence for customers on site, it would be a maximum of two sprinter vans per trip. There will be a distribution license in the processing building, for self distribution and vertical integration within the company.

Ideally, a delivery service for the nursery would be ideal for the first few years of business, however the use of the property in the future for cannabis tours and recreation for tourists to The City of Rio Dell would be an enhancement and five year plan. If this does commence, as a

condition of approval, Sweet Grass Inc will do a traffic study to evaluate daily trip revenue and annual trip revenues depending on peak hours and time of year.

Aside from vehicular greenhouse gas emissions and daily habitual emissions, the effect of the greenhouse's gases on the greenhouses with fertilization will be mitigated through composting on site and proper renewable energy usage and temperate moderation throughout the greenhouses with dehumidification, natural gas heating, fans, and eventually HVAC systems. Air Quality shall not change due to this project commencing.

A permitted septic is currently on-site in the employee housing.

A power upgrade is being sought and designed to meet the City of Rio Dell and PG&E standards. Sweet Grass, Inc will be enrolling in 100% renewable grid power through RCEA's Core Repower program. A solar panel array will also be designed and implemented for energy usage on site to be a total sufficient and renewable facility by the year 2030 at full buildout, with maintain all power needs through renewable resource energy.

- The first phase will be (3) three 30 x 100 greenhouses totaling 9,000 square feet of mixed light cultivation to start. Three concrete slabs will be poured.
- The second phase will be an additional (3) three 30 x 100 greenhouses totaling 18,000 square feet of mixed light cultivation. Three concrete slabs will be poured.
- The third phase will be an additional (4) four 30 x 100 greenhouses totaling 30,000 square feet of mixed light cultivation. Four concrete slabs will be poured.
- There will be a 10-foot road in between each greenhouse. There will be 8 feet on the outside of the greenhouses.

International Dark Sky Association

The mixed light cultivation will be complying with the International Dark Sky Association Standards and implementing that all light will be shielded so no light escapes between sunset and sunrise. Especially due to a residential area, mitigation efforts will be highly and strictly implemented for the tarps and lights to be turned at the appropriate time.

Nursery – Seed Propagation and Research and Development

Propagation occurs onsite in Sweet Grass, Inc's 4,000 square foot nursery. Pollen drift from seed production is mitigated thru specialized breeding techniques that Sweet Grass, Inc uses. Specific branches on specific pheno types within the research and development and seed production zones are chosen for pollination and covered with paper bags and rubber banded over the pollinated flowers, so no pollen can drift and escape and pollinate other crops surrounding in the agricultural area. The plant branches are harvested with the paper bag on the flower, so it never comes off during the pollination periods. This propagation allows for ancillary nursery to fuel the project and to allow commercial cannabis nursery sales on site to other CDFA licensed cultivators, with the selection of genetics that Sweet Grass Inc has.

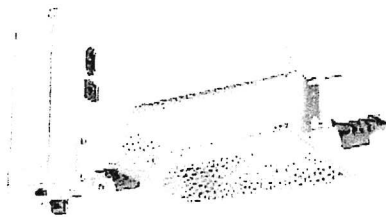
Infrastructure and Building Permits

There will be (10) 30 x 120 mixed light greenhouses on site. These greenhouses will be placed on top of concrete slabs. Included in this operations plan is engineered plans of the greenhouses. Inside the greenhouses, each greenhouse will have (2) 8 x 10-foot beds and (1) 10 x 100-foot bed. This allows for two-foot walkways in between each bed. The cannabis plants will be planted in a sea of green formation within these beds.

These greenhouse slabs will have an elevation of eight inches to one-foot above the ground, as this parcel is not in the floodplain.

The soil will be used for one year, and then new soil is brought in annually, and the old soil is trucked off site to a compost facility and or will be placed in with the mix in the compost. This is all included in the waste management procedures manual for employees on site.

There will be 15 Gavita Pro E-series lights to 120 feet inside the greenhouse. These lights will be positioned on 7-foot centers, and these gavita's will have hoods on them to control the internal temperature of a homeostasis environment within the greenhouse. Please see image below for a general idea of the lights that will be inside the greenhouses.



The processing shop will be a 30' x 50' metal building with administrative hold areas, limited access areas, harvest storage areas, METRC holding areas, distribution hold areas, as well as drying, curing, packaging and labeling, and distribution areas. Building plans are being submitted simultaneously with this application and this building will also be one foot above the ground, as this parcel again is not in the flood zone.

Irrigation Plan

Irrigation needs will be dictated by daily weather conditions and by carefully monitoring soil moisture and plant health. Watering, when necessary, will be applied in the early morning or late evening for the mixed light green houses via a drip irrigation system and/or hand watering to improve water conservation efforts.

Irrigation occurs two times a week per greenhouse, with 400 gallons fed to the plants each time of irrigation. Based on the calculations of water usage, Sweet Grass Inc will be approximately

cultivating 34,000 square feet of cannabis. Based on Sweet Grass Inc's past experience in legally cultivating cannabis in soil settings as such in the Dinsmore Plateau in Rio Dell, water use is approximately:

- 32,000 gallons per month each greenhouse for mixed light cultivation (2 feedings a week at 400 gallons a feeding times 10 greenhouses at full buildout equals 8,000 a week)
- 60 gallons of water per day in Nursery operations – roughly ~1860 gallons per month

Sweet Grass, Inc's total irrigation water annually needs approximately: 408,000 gallons

Applicant's total estimated Mixed Light Deprivation water usage needs in gallons by month are 32,000 gallons and 384,000 annually– monthly breakdown as follows:

Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
32k	32 k	32 k	32 k	32k	32k	32k	32k	32k	32k	32 k	32k

Applicant's total estimated Nursery water usage needs in gallons by month are 2,000 gallons and annually are 24,000 gallons– monthly breakdown as follows:

Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
2k	2k	2k	2k	2k	2k	2k	2k	2k	2k	2k	2k

Noise Source Assessments and Mitigation Plan

Noise from cultivation and related activities will not result in an increase of more than three decibels of continuous noise above existing ambient noise levels at any property line of the site. No generators will be used in project operations As a condition of approval, a noise study will be done by Sweet Grass, Inc if deemed necessary by the City of Rio Dell.

Parking Plan

On-site parking of twelve spots (two of which will be handicapped-marked) is provided for employees and visitors in existing areas historically used for that purpose (see Site Plan). All employees and visitors will be required to park on-site when conducting business on-site.

Pest Management Plan

All project operations will comply with all pesticide laws and regulations enforced by the California Department of Pesticide Regulation and by the Humboldt County Department of Agriculture. Employees will (i) read and follow all pesticide labels in all storage, use, handling and disposal of any pesticides used, and (ii) use personal protective equipment (PPE) as required and provided for by the applicant.

The applicant will (i) obtain an operator identification number from the Humboldt County Agricultural Commissioner before applying any pesticides, and (ii) provide for and require the use by all employees of PPE, training, and access to pesticide labels and safety information in the proper storage, handling, and disposal of pesticides.

Product Name and Active Ingredient(s) of All Pesticides to Be Applied to Cannabis at Any Time

<i>Product Name</i>	<i>Active Ingredient(s)</i>
Lost Coast Plant Therapy	Soybean oil, isopropyl alcohol, citric acid, peppermint oil
Dr. Zymes	Citric acid derived from fermentation
Zerotol 2.0	Hydrogen dioxide, peroxyacetic acid
Neem oil	Neem oil

Biological Pest-Management Control Methods

Once a pest population has been identified and monitored, beneficial insects or other organisms are introduced to control and suppress the continued growth of that population. Biological controls come in the form of insect predators/parasites, fungi, bacteria and more, and are chosen based on their effectiveness at controlling the target pest(s) in the cultivation environment. Examples include (1) cats for rodent control, (2) predator nematodes to suppress root aphids and fungus gnats, and (3) predator mites to suppress thrip, russet mites, and spider mites.

Chemical Pest-Management Control Methods

Chemical controls may include spraying, dunking, and root drenching.

Cultural Pest-Management Control Methods

1. Reduce and disrupt pest habitat around crops; weeding, cleaning, rototilling, mowing, etc.;
2. Adjusting crop density and planting to reduce pests;
3. Pruning and leafing plants for greater airflow;
4. Monitoring and identify types of pest and population size of pest; scouting and trapping and locations of pest in and around the crop;
5. Utilize proactive attempts to prevent pests and disease rather than reactive treatment; and

6. Sanitation to remove organic and inorganic residues, helping reduce egg/spore populations, deterring overwintering, and minimizing pest control efforts throughout the growing season.

Security Plan

All outdoor lighting used for security purposes will be shielded and downward facing. A commercial security alarm company will be retained, including the use of security cameras. Security cameras will be installed and maintained in good condition. They will be used in an ongoing manner with at least 240 concurrent hours of digitally recorded documentation in a format approved by the Planning Commission. The cameras will be in use 24 hours per day, 7 days a week. The areas covered by the security cameras shall include the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary per City of Rio Dell recommendation. The facility will be installed with an alarm system that is operated and monitored by a recognized security company. All information regarding the facility's security company can be provided to the City Manager or any designee upon request.

A six-foot chain link fence surrounds the entire cultivation perimeter.

All visitors must always be accompanied when within the premises and all employees will wear badges.

Waste Management Plans

Cannabis Waste Management Plan

Cannabis waste generated on the premises will be managed by self-hauling to a fully permitted and manned, (a) solid waste landfill or transformation facility, or (b) composting facility or manned composting operation. A 10 x 10 compost is on site.

Hazardous Substances Management Plan

Hazardous substances handled on-site include pesticides, fertilizers, fuels and solvents. All pesticides and fertilizers will be stored, handled and used according to manufacturer's instructions. All hazardous substances will be stored in appropriate containers.

Solid Waste Management Plan

The project's plan for disposal of project-related solid waste includes managing plant material, greenhouse framing, plastics and tarpaulin used in greenhouse sheathing and coverings, household trash, product packaging and containers, irrigation tubing, pots and similar containers used for propagation and cultivation, lighting, tanks, electrical lighting fixtures, wiring and related equipment, and fencing.

Solid waste generated on the premises will be managed by self-hauling to a fully permitted solid waste management facility.

Recordkeeping

All required records will be legibly prepared and stored in the administrative hold area required by CDFA, which is a secured area where they are protected from debris, moisture, contamination, hazardous waste, fire, and theft. This administrative hold area is a limited access area, where only those with the correct managerial credentials have access to these documents. All records specifically required to be kept and maintained for state licensure will be kept for the time period prescribed and, in a manner, allowing for their provision or delivery upon request. This includes all monthly inventory reporting, monthly METRC inventory reports of all items, and any other jurisdictional paperwork.

Personnel Safety, Employee Protections

Workplace Safety Standards

Standard operating procedures for all employees will include posting of the address of the property and evacuation routes, and emergency phone numbers for first responders and fire safety responders. All workplace safety standards will be complied with and posted OSHA compliant workplace safety posters will be made available in employee common areas.

Employee Safety Protocols and Training

All operations will implement safety protocols and all employees will be provided with adequate safety training relevant to their specific job functions, which may include:

- Emergency action response planning;
- Fire prevention planning;
- Hazard communication policies, including maintenance of Material Safety Data Sheets;
- Materials handling policies;
- Job hazard analyses;
- Personal protective equipment policies; and/or
- Employee accident reporting and investigation policies.

Safe Drinking Water, Toilets, & Sanitary Facilities

Employees will at all times have access to safe drinking water, toilets, and handwashing facilities that comply with applicable federal, state, and local laws and regulations. Drinking water will be provided either by a potable on-site water supply or by bottled water, or a combination thereof.

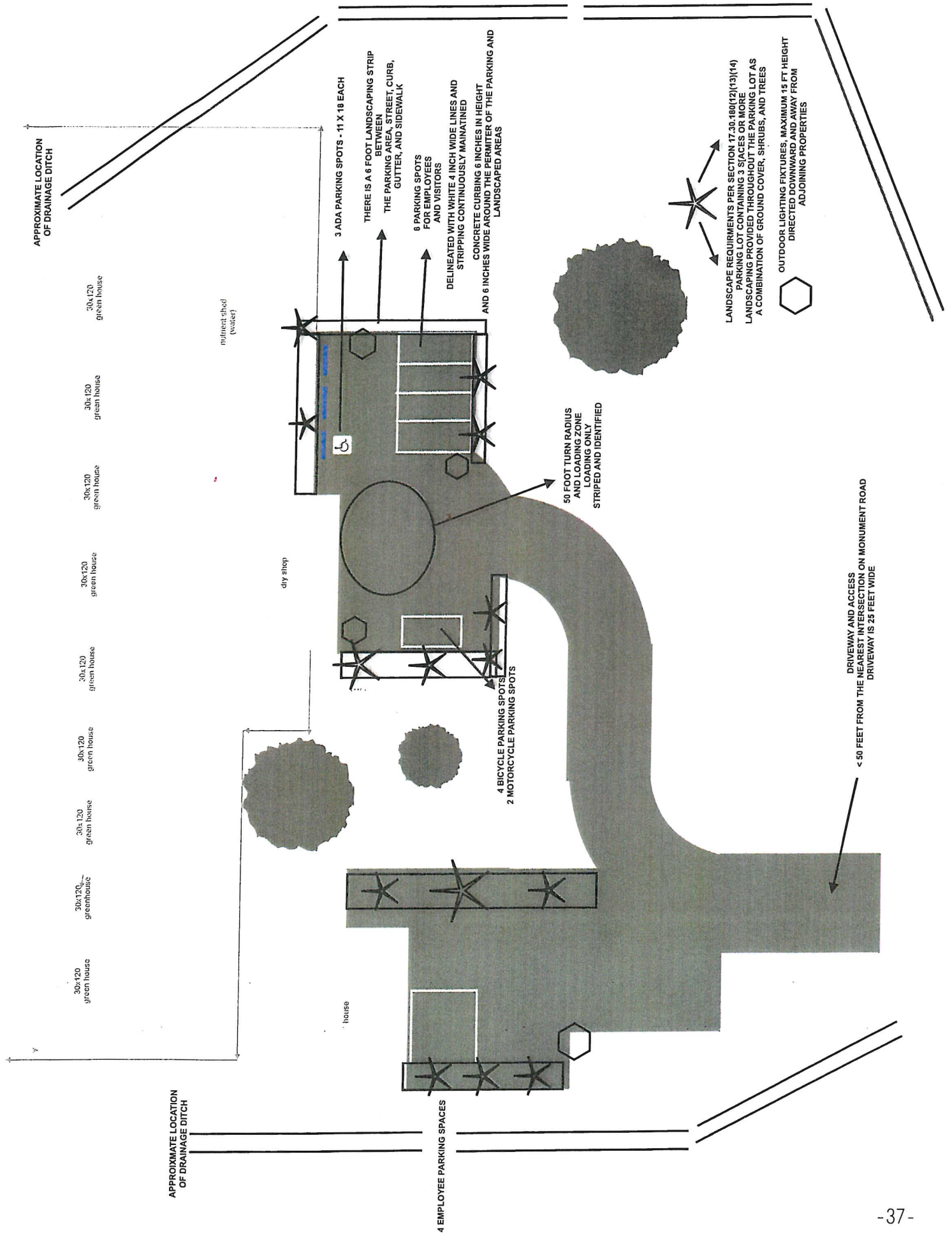
Sanitation Practices

Employees will comply with the following sanitation practices:

- Operations must be maintained in a clean and sanitary condition, including all work surfaces and equipment;
- Employees handling cannabis will have access to and use Personal Protective Equipment in good operable condition, as job circumstances require; and
- Employees will implement protocols which prevent contamination or mold and mildew growth.

Agricultural Employer Declaration

The permit applicant declares that it is an agricultural employer as defined in the California Labor Code, Division 2, Part 3.5 commencing with Section 1140, and agrees to comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employer.





PROJECT REFERRAL

Date: November 9, 2020

To: <input checked="" type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Bear River Band – Erika Cooper
<input checked="" type="checkbox"/> Rio Dell Fire District	<input checked="" type="checkbox"/> Rio Dell City Manager
<input checked="" type="checkbox"/> Rio Dell Police Department	<input checked="" type="checkbox"/> City Engineer (GHD)
<input checked="" type="checkbox"/> County Environmental Health	<input checked="" type="checkbox"/> Cal Fire - Fortuna
<input checked="" type="checkbox"/> County Planning Department	<input checked="" type="checkbox"/> Fish and Wildlife
<input checked="" type="checkbox"/> Regional Water Quality Control Board	<input checked="" type="checkbox"/> Bureau of Cannabis Control
<input checked="" type="checkbox"/> Wiyot Tribe – Ted Hernandez	<input checked="" type="checkbox"/> PG&E Plan Review Team and Alex Mossman
<input checked="" type="checkbox"/> Applicant/Agent	

Applicant: Sweet Grass Inc.

Agent: Humboldt Logistics; Brittany Massaro

Address: P.O. Box 21

Address: P.O. Box 457

City/State/Zip: Rio Dell, CA. 95562

City/State/Zip: Scotia, CA. 95565

Telephone: (707) 367-1618

Telephone: (707) 672-4988

Email: tommy95490@gmail.com

Email: brittany@humboldtlogistics.com

Assessor Parcel Number(s): 205-071-036 & -038 General Plan/Zoning Designation: Suburban

Project Description: This project is for a (3) three phase buildout of a 32,000 square foot commercial cannabis mixed light facility, with a 4,000 square foot ancillary nursery, and a 30'x50' processing shop on site for processing, packaging, labeling, and distribution purposes. The site is irrigated with City of Rio Dell water with a reverse osmosis treatment system, as well as a two self-caught rainwater catchment tanks off of the 10 greenhouses, totaling 100,000-gallon non-diversionary tank farm off of each greenhouse on the flat. The greenhouses will not be gutter connected. Heating will come from The City of Rio Dell natural gas. Four flowering runs will be implemented on site for cultivation methodology. The parcel is developed with a single-family residence and outbuildings. The parcel is provided with community water and on-site septic system. The parcel size is 27+/- acres.

Project Location: The project site is located near the intersection of Monument Road and Dinsmore Ranch Road on property known as 624 & 908 Monument Road.

Please review the attached information regarding the above referenced project and provide your comments with any recommended conditions of approval **within 15 calendar days** of the above date. If no response is received or a request for an extension is not received within 15 calendar days of the above date, it will be assumed that your agency has no comments or concerns regarding the project. **The project is tentatively scheduled to be heard at the Planning Commission meeting of December 22, 2020.**

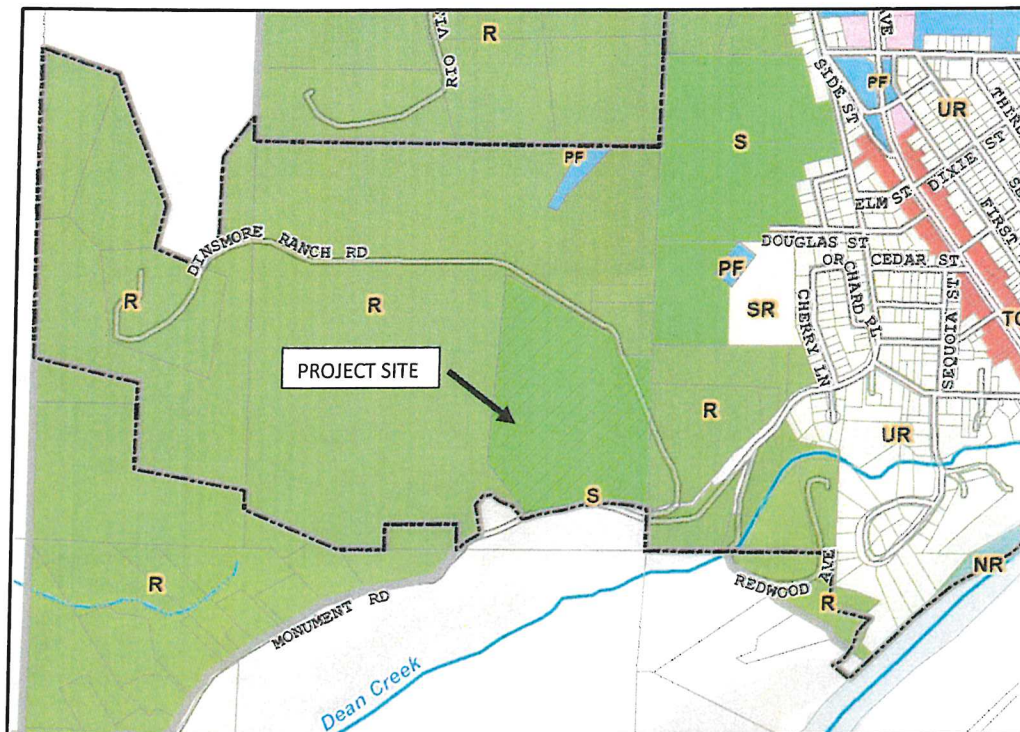
If you have any questions concerning the project, please contact Kevin Caldwell, Community Development Director between 8:00 a.m. and 5:00 p.m. Monday through Thursday at (707) 764-3532.

We have reviewed the above referenced application and recommend the following (please check one):

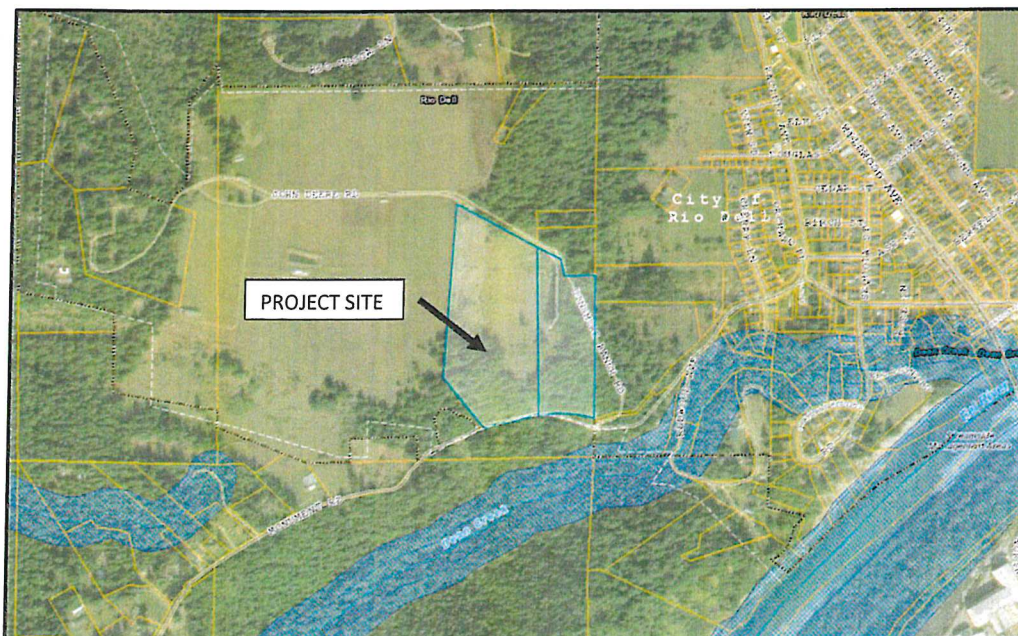
- ☐ Recommend approval. The Department has no comment at this time.
☐ Recommend conditional approval. Suggested conditions attached.
☐ Other comments:

Signature: _____

Date: _____



Zoning/General Plan = Industrial Commercial



Vicinity Map

Sweet Grass Inc. Cultivation Application
Case No. CCLUO-CUP 04-2020; APN 205-071-036 & -038

EXHIBIT A

Conditions of Approval Sweet Grass Farms Conditional Use Permit File No. 205-071-036 & -038 Case No's. CUP-CCLUO-21-01

Conditions of Approval

1. Greenhouse areas shall be fenced with six (6) foot cyclone security fencing.
2. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations.
3. In addition to any and all State regulations to cannabis cultivation, all cultivation activities are subject to the Performance Standards in Section 17.30.195(10) of the Rio Dell Municipal Code with the exception of the greenhouses (hoophouses) be fully enclosed, secure and lockable and the use of carbon filter fans or equivalent superior filters/scrubbers to eliminate odor discharges to neighboring properties from cultivation and processing facilities.
4. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. Should the City receive complaints that the lighting is out of alignment or not complying with these standards, within ten (10) working days of receiving written notification that a complaint has been filed, the applicant shall submit written verification that the lights' shielding and alignment has been repaired, inspected and corrected as necessary.
5. Community Relations: The applicant shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the medical cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the medical cannabis facility.
6. Inspections: Consent to a minimum of at least one quarterly on-site compliance inspection, to be conducted by appropriate City officials, *including the Planning Commission* during regular

business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays). The applicant shall be required to pay the Inspection Fee in effect at that time.

7. The applicant shall execute the Release of Liability and Hold Harmless Agreement required by Section 17.30.195(4) of the Rio Dell Municipal Code (RDMC).

8. Should the applicant apply any pesticides they shall obtain an Operators Identification Number (OIN).

9. The applicant shall utilize the stored water during the months of July, August, September and October.

10. The applicant shall pay their fair share contribution to the expansion of the Dinsmore water tank. The fair share cost is based on estimated water use and the current cost of access to the water system, which is \$0.055 a gallon. The applicant estimates an annual water demand of 408,000 gallons. As such, the fair share cost for access to the City's water system is \$22, 440.00 (408,000 x \$0.05).

11. The applicant shall provide a total of nine (9) regular parking spaces are required. In addition, the Rio Dell Municipal Code (RDMC) requires one disabled or accessible space per 25 parking spaces. Regular perpendicular spaces are required to be 19' x 8.5', and an aisle dimension of 25'. The handicap space must be 19' x 14', permanently signed and the space painted with the international symbol of accessibility. The applicant shall submit detailed Plans identifying the required parking area.

12. All parking spaces, other than the accessible space, access drives and maneuvering areas shall be improved with gravel and permanently maintained. The accessible parking space and path of travel to the building shall be improved with an all-weather durable asphalt, concrete or comparable surface as required by the Director of Public Works

13. The applicant shall provide three (3) bicycle parking spaces. Each bicycle parking or storage space shall be no less than 6 feet long by 2 feet wide, plus additional space as may be needed for access, and shall have a rack or shelter capable of supporting and securing bicycles of various types and sizes in an upright position. Each space shall be conveniently located and interfere with pedestrian walkways. The applicant shall submit detailed Plans identifying the required bicycle parking spaces.

14. The applicant shall provide concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The curbing is allowed to have

breaks in it to allow stormwater to pass. The applicant shall construct detention/retention facilities for the stormwater runoff from the parking area and processing building. The applicant shall submit detailed Plans identifying the required curbing and detention facilities

15. The applicant shall provide a six (6) foot landscaping strip between the parking area and proposed processing building. The applicant shall submit detailed Plans identifying the required landscaping strip.

16. Section 17.30.220(14) of the RDMC requires that 10% of the gross area of the parking lot be landscaped. The parking area will be approximately 3,600 square feet. Accordingly, about 360 square feet of landscaping within or adjacent to the parking area is required. The submitted landscaping plan lacks the detail to determine how much landscaping is proposed. As such, staff is recommending that the applicant submit detailed Plans identifying the required landscaping.

17. Pursuant to Section 17.30.220(14)(a) of the RDMC, trees that reach a minimum height of twenty (20) feet are required within or adjacent to the parking lot at a minimum ration of one (1) tree for every five (5) parking spaces. Again, it's difficult to tell exactly how many are proposed and what their mature height will be. As such, the applicant shall submit a detailed Landscaping Plan to clearly identify requisite trees.

18. All exterior lighting shall be LED light fixtures and be directed downward.

19. The applicant shall provide one 11' x 35' loading space with at least 14 feet of vertical clearance. staff is recommending that the applicant submit detailed Plans identifying the required loading space. The applicant shall submit detailed Plans identifying the required loading space.

20. The applicant shall comply with any recommendations from the Rio Dell Fire Protection District (RDFFPD) including:

- A dedicated 5,000 emergency water tank with wharf hydrant no closer than 50 feet and no further than 100 feet from the building. A wooden or metal sign with a minimum three (3) inch letter height, 3/8-inch stroke, contrasting with the background color of the sign, with the wording "FIRE WATER" mounted on a wooden or metal post.

- The hydrant head shall be brass or other corrosion resistant material with 2-1/2-inch National Hose male thread with a cap for pressure and gravity flow systems, and 4-1/2-inch National Hose male thread for draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. Crash protection meeting the requirements of the Uniform Mechanical Code shall be installed as required by the RDFFPD.

- All pipes supplying water to hydrants must be at least 3 inches in diameter; however, a pipe having a diameter of less than 3 inches may be used provided it can demonstrate the capability of supplying a minimum 200 gallon per minute (gpm) flow from the hydrant connection.
- A Knox Box at the gate.
- A turn-around area at the building location.
- Address signage. The size of letters numbers and symbols for addresses shall be a minimum 4-inch letter height, ½-inch stroke, reflectorized, and contrasting with the background color of the sign. Addresses shall use Arabic numbers and alphabetical letters. Wooden address signs meeting the standards for letter height, stroke, and contrast shall be permitted

The applicant shall provide written verification from the Rio Dell Fire Protection District (RDFFPD) that their requirements have been satisfied prior to the commencement of any cannabis activities.

21. The applicant shall pay all fees and taxes as required by the City of Rio Dell.

Operational Conditions

1. Should a generator be needed it must comply with Section 8306 of the California Code of Regulations.

§ 8306. Generator Requirements.

(a) For the purposes of this section, “generator” is defined as a stationary or portable compression ignition engine pursuant to title 17, division 3, chapter 1, subchapter 7.5, section 93115.4 of the California Code of Regulations.

(b) Licensees using generators rated at fifty (50) horsepower and greater shall demonstrate compliance with either, as applicable, the Airborne Toxic Control Measure for stationary engines pursuant to title 17, division 3, chapter 1, subchapter 7.5, sections 93115 through 93115.15 of the California Code of Regulations, or the Airborne Toxic Control Measure for portable engines pursuant to title 17, division 3, chapter 1, subchapter 7.5, sections 93116 through 93116.5 of the California Code of Regulations. Compliance shall be demonstrated by providing a copy of one of the following to the department upon request:

(1) For portable engines, a Portable Equipment Registration Certificate provided by the California Air Resources Board; or

(2) For portable or stationary engines, a Permit to Operate, or other proof of engine registration, obtained from the Local Air District with jurisdiction over the licensed premises.

(c) Licensees using generators rated below fifty (50) horsepower shall comply with the following by 2023:

(1) Either (A) or (B): (A) Meet the “emergency” definition for portable engines in title 17, division 3, chapter 1, subchapter 7.5, sections 93116.2(a)(12) of the California Code of Regulations, or the “emergency use” definition for stationary engines in title 17, division 3, chapter 1, subchapter 7.5, section 93115.4(a)(30); or (B) Operate eighty (80) hours or less in a calendar year; and

(2) Either (A) or (B):

(A) Meet Tier 3 with Level 3 diesel particulate filter requirements pursuant to title 13, division 3, chapter 14, sections 2700 through 2711 of the California Code of Regulations; (

B) Meet Tier 4, or current engine requirements if more stringent, pursuant to title 40, chapter I, subchapter U, part 1039, subpart B, section 1039.101 of the Code of Federal Regulations.

(d) All generators shall be equipped with non-resettable hour-meters. If a generator does not come equipped with a non- resettable hour-meter an after-market non-resettable hour-meter shall be installed.

2. Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs

3. Electricity for the Mixed Light cultivation activities shall be provided by any combination of the following:

- ♦ On-grid power with 42 percent renewable source.
- ♦ Onsite zero net energy renewable source providing 42 percent of power.

- ♦ Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.
- ♦ Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

All outdoor storage materials and equipment shall be screened from public view.

4. The operations shall comply with all local and State regulations at all times.
5. The parking and turn-around areas shall be maintained with all-weather surfaces including asphalt, concrete or a gravel base.
6. Record Retention. The term record includes: all records, applications, reports or other supporting documents required by the City and the State.
 - ♦ Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.
 - ♦ Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.
 - ♦ All records related to commercial cannabis activity are subject to inspection by the City.
 - ♦ A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.
 - ♦ Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:
 - City and State issued permits and license(s);

- Plan of Operations;
 - All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;
 - Any supporting documentation for data or information input into the track-and-trace system;
 - Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;
 - Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
 - Training records, including but not limited to the content of the training provided and the names of the employees that received the training;
 - Contracts with other state licensed medical cannabis businesses;
 - Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;
 - Security records; and
 - Records associated with the composting or disposal of waste.
- ◆ All required records shall be prepared and retained in accordance with the following conditions:
 - ◆ Records shall be legible; and
 - ◆ Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

4. The applicant with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.

Informational Notes

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Bear River Band of the Wiyot Nation, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.
2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

RESOLUTION NO. PC 159-2021



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING SWEET GRASS FARMS CANNABIS ACTIVITIES
CONDITIONAL USE PERMIT**

WHEREAS Sweet Grass Farms has made application for a Conditional Use Permit for 32,000 square feet of mixed-light cannabis cultivation and a 4,000 square foot nursery; and

WHEREAS the project also includes the permitting of a 1,500 square foot facility for drying, curing, harvest, storage, processing, and packaging; and

WHEREAS Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities on the Dinsmore Plateau with a Conditional Use Permit (CUP); and

WHEREAS the project was evaluated for compliance with the City's commercial cannabis regulations; and

WHEREAS the project was evaluated for compliance with the City's Zoning Regulations, General Plan and compliance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS the Suburban designation allows general agriculture, including crop production as a principally permitted use; and

WHEREAS based on the information submitted, and referral agency comments or lack of comments, staff recommends that the proposed uses be found to be consistent with the development standards of the Suburban zone and the Commercial Cannabis Land Use Ordinance, Section 17.30.195 and the Use Permit requirements of Section 17.35.030 of the Rio Dell Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that *as conditioned*:

- (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
- (b) The proposed use is consistent with the general plan and any applicable specific plan; and
- (c) The design, location and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
- (d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- (e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- (f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and
- (g) The project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.

Based on the proposed agricultural project, information submitted, including the Cultural Resource Study, the physical characteristics of the property, the absence of any environmentally sensitive habitat, conditions of approval and comments or lack of from referral agencies, including the California Department of Fish and Wildlife (CDFW) and the North Coast Regional Water Quality Control Board (NCRWQCB), there is no evidence to suggest that the project will have a *significant* effect on the environment

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on March 9, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 159-2021 adopted by the Planning Commission of the City of Rio Dell on March 9, 2021.

Karen Dunham, City Clerk, City of Rio Dell